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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended
Accusation/Petition to Revoke Probation
Against:

DEIDRA DIANE VINSON-UPSHUR

815 N. La Brea Avenue, #137,
Inglewood, California 90302
Respiratory Care Practitioner No. 4143

Respondent.

Case No. R-2111

OAH No. 2008010530

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
proceeding that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the
Respiratory Care Board of California. She brought this action solely in her official capacity and
is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of
California, by Esther P. Kim, Deputy Attorney General.

2. Deidra Diane Vinson-Upshur (Respondent) is representing herself in this
proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about June 14, 1985, the Board issued Respiratory Care Practitioner
License No. 4143 to Respondent Deidra Diane Vinson-Upshur. This license was in effect at all
times relevant to the charges brought in the First Amended Accusation and Petition to Revoke

1 Probation and will expire on October 31, 2009, unless renewed.

2 **JURISDICTION**

3 4. First Amended Accusation and Petition to Revoke Probation No. R-2111
4 was filed before the Respiratory Care Board (Board), Department of Consumer Affairs, and is
5 currently pending against Respondent. The First Amended Accusation and Petition to Revoke
6 Probation and all other statutorily required documents were properly served on Respondent on
7 May 21, 2008. Respondent timely filed her Notice of Defense contesting the Accusation. A
8 copy of First Amended Accusation and Petition to Revoke Probation No. R-2111 is attached as
9 exhibit A and incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, and understands the charges and allegations
12 in First Amended Accusation and Petition to Revoke Probation No. R-2111. Respondent also
13 has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the First Amended Accusation and Petition to
16 Revoke Probation; the right to be represented by counsel, at her own expense; the right to
17 confront and cross-examine the witnesses against her; the right to present evidence and to testify
18 on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses
19 and the production of documents; the right to reconsideration and court review of an adverse
20 decision; and all other rights accorded by the California Administrative Procedure Act and other
21 applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in
26 First Amended Accusation and Petition to Revoke Probation No. R-2111, agrees that cause exists
27 for discipline and hereby surrenders her Respiratory Care Practitioner License No. 4143 for the
28 Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Respiratory Care Practitioner License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Respiratory Care Board. Respondent understands and agrees that counsel for Complainant and the staff of the Respiratory Care Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Respiratory Care Practitioner License No. 4143,
issued to Respondent Deidra Diane Vinson-Upshur is surrendered and accepted by the
Respiratory Care Board.

13. The surrender of Respondent's Respiratory Care Practitioner License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

1 14. Respondent shall lose all rights and privileges as a Respiratory Care
2 Therapist in California as of the effective date of the Board's Decision and Order.

3 15. Respondent shall cause to be delivered to the Board both her License wall
4 certificate and pocket license certificate on or before the effective date of the Decision and Order.

5 16. Respondent fully understands and agrees that if she ever files an
6 application for licensure or a petition for reinstatement in the State of California, the Board shall
7 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
8 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
9 and all of the charges and allegations contained in First Amended Accusation and Petition to
10 Revoke Probation No. R-2111 shall be deemed to be true, correct, and admitted by Respondent
11 when the Board determines whether to grant or deny the petition.

12 17. Should Respondent ever apply or reapply for a new license or certification,
13 or petition for reinstatement of a license, by any other health care licensing agency in the State of
14 California, all of the charges and allegations contained in First Amended Accusation and Petition
15 to Revoke Probation No. R-2111 shall be deemed to be true, correct, and admitted by
16 Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny
17 or restrict licensure.

18 18. Respondent shall pay the Board cost recovery and probation monitoring
19 costs that are in arrears and its costs of investigation and enforcement for the First Amended
20 Accusation and Petition to Revoke Probation prior to issuance of a new or reinstated license.

21 **ACCEPTANCE**

22 I have carefully read the Stipulated Surrender of License and Order. I understand
23 the stipulation and the effect it will have on my Respiratory Care Practitioner License. I enter
24 into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and
25 agree to be bound by the Decision and Order of the Respiratory Care Board.

26 DATED: June 13, 2008

27 Original signed by: _____
28 DEIDRA DIANE VINSON-UPSHUR
 Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: June 13, 2008

EDMUND G. BROWN JR., Attorney General
of the State of California

PAUL C. AMENT
Supervising Deputy Attorney General

Original signed by: _____
ESTHER P. KIM
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
and Petition to Revoke Probation Against:

DEIDRA DIANE VINSON-UPSHUR

815 N. La Brea Avenue #137
Inglewood, California 90302

Respiratory Care Practitioner License No. 4143

Respondent.

Case No. R-2111

OAH No. 2008010530

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 7, 2008.

It is so ORDERED July 28, 2008.

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA